

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

ROBYN SMITH for DEVAN
VANBRUNT, a Minor, by his Mother and
Natural Guardian,

**Court File No.: 0:11-cv-01771
(RHK/LIB)**

Plaintiff,

v.

BLITZ U.S.A. INC., WAL-MART
STORES, INC., WAL-MART STORES
EAST, LP, WAL-MART STORES EAST,
INC., KINDERHOOK CAPITAL FUND II
L.P., and KINDERHOOK INDUSTRIES,
LLC,

Defendants.

DEFENDANTS KINDERHOOK CAPITAL FUND II, L.P.
MOTION FOR EXTENSION OF TIME

TO: Plaintiff, by and through counsel, Henry "Hank" Anderson, III, Anderson Law Firm, 4245 Kemp Blvd Ste 810. Wichita Falls, TX 76308, Daniel S. Haltiwanger, Richardson, Patrick, Westbrook & Brickman, LLC, 1730 Jackson Street, Barnwell, South Carolina, 29812, Shauna Verheyen, Anton Cheskis, Sieben Polk P.A., 1640 S. Frontage Rd.. Hastings, MN 55033; and co-defendants, by and through counsel, David E. Jones, Logan & Lowry LLP, P.O. Box 452469, Grove, Oklahoma, 74345-2469, Ronald H. McLean, Kasey D. McNary, Serkland Law Firm, P.O. Box 6017, Fargo, North Dakota 58108-6017

Pursuant to Rule 16 of the Federal Rules of Civil Procedure, Defendants Kinderhook Capital Fund II, L.P. and Kinderhook Industries, LLC ("the Kinderhook defendants"), through the undersigned counsel, hereby moves for this Court for an extension of time to comply with the deadlines set for in the above-

captioned case's October 7, 2011 Pretrial Order. (The Kinderhook defendants, however, were not served with any complaint in this case until March 9, 2012.)

This motion is supported by, and incorporates herein by reference, the memorandum of law, the affidavits and supporting exhibits filed and served herewith, as well as all pleadings, records and papers on filed together with the arguments of counsel.

Dated: April 30, 2012

By: s/Seth Leventhal

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